

OHIO

SENATE

JOURNAL

TUESDAY, JUNE 24, 2003

SIXTY-SEVENTH DAY
Senate Chamber, Columbus, Ohio
Tuesday, June 24, 2003, 1:30 p.m.

The Senate met pursuant to adjournment.

Prayer was offered by Rabbi Mark Goldfarb, Temple Israel, Columbus, Ohio, followed by the Pledge of Allegiance to the Flag.

The journal of the last legislative day was read and approved.

REPORTS OF STANDING AND SELECT COMMITTEES

Senator Nein submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **Sub. H. B. No. 23**-Representative Wolpert, et al., having had the same under consideration, reports it back and recommends its passage.

Co-Sponsor: Spada.

YES - 8: SCOTT R. NEIN, JEFFRY J. ARMBRUSTER, LARRY A. MUMPER, STEPHEN C. AUSTRIA, ROBERT F. SPADA, LYNN R. WACHTMANN, RAY MILLER.

NO - 0.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

Senator Nein submitted the following report:

The standing committee on Insurance, Commerce and Labor, to which was referred **Am. H. B. No. 137**-Representative G. Smith, et al., having had the same under consideration, reports back a substitute bill and recommends its passage.

YES - 9: LARRY A. MUMPER, JEFFRY J. ARMBRUSTER, STEPHEN C. AUSTRIA, ROBERT F. SPADA, LYNN R. WACHTMANN, SCOTT R. NEIN, C. J. PRENTISS, TERESA FEDOR, JAY HOTTINGER.

NO - 1: RAY MILLER.

The question being, "Shall the report of the committee be accepted?"

The report of the committee was accepted.

BILLS FOR THIRD CONSIDERATION

Sub. H. B. No. 23-Representatives Wolpert, Fessler, Carano, McGregor, Perry, Husted, Calvert, Setzer, Flowers, J. Stewart, Seitz, D. Evans, Webster, Miller, Williams, Reidelbach, Ujvagi, Latta, Grendell, Distel, Widener, Boccieri, Kilbane, Allen, Beatty, Brown, Cirelli, Clancy, Daniels, DeBose, Domenick, C. Evans, Harwood, Hughes, Jolivet, Kearns, Oelslager, Otterman, S. Patton, T. Patton, Price, Schmidt, Schneider, D. Stewart, Strahorn, Taylor. -Senator Spada.

To amend sections 4725.18 and 4733.11 of the Revised Code to permit the State Board of Optometry to license optometrists licensed by another state or a Canadian province regardless of whether the other state or province similarly licenses holders of Ohio licenses and to clarify education requirements in the engineers and surveyors licensing law, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 23**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---------------|----------------|-----------|-----------|
| Amstutz | Armbruster | Austria | Blessing |
| Brady | Carey | Carnes | Coughlin |
| Dann | DiDonato | Fedor | Fingerhut |
| Randy Gardner | Robert Gardner | Goodman | Hagan |
| Harris | Herington | Hottinger | Jacobson |
| Jordan | Mallory | Miller | Mumper |
| Nein | Prentiss | Roberts | Schuler |
| Schuring | Spada | Stivers | Wachtmann |
| | | | White-33. |

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Nein moved to amend the title as follows:

Add the names : "Armbruster, Austria, Carey, Robert Gardner, Mumper, Nein, Prentiss, Schuler, Stivers, Randy Gardner, White, Roberts, Amstutz, Hagan."

The motion was agreed to and the title so amended.

Sub. H. B. No. 137-Representatives G. Smith, Book, Hughes, Setzer, Gibbs, Olman, Wolpert, D. Evans, T. Patton, Fessler, Brown, Callender, Calvert, Carano, Daniels, C. Evans, Faber, Flowers, Hartnett, Jolivet, Kearns, McGregor, Redfern, Reidelbach, Schmidt, Schneider, Skindell, J. Stewart, Willamowski.

To amend sections 1731.01, 1731.03, 3909.09, and 3909.15, to enact new sections 3909.05 and 3927.03 and section 3905.421, and to repeal sections

3909.05 and 3927.03 of the Revised Code relative to the appointment of agents by foreign insurance companies doing business in Ohio, vehicle protection product warranties, and the sponsorship of small employer health care alliances by organizations comprised of health care providers or insurance agents, was considered the third time.

The question being, "Shall the bill, **Sub. H. B. No. 137**, pass?"

The yeas and nays were taken and resulted - yeas 33, nays 0, as follows:

Those who voted in the affirmative were: Senators

| | | | |
|---------------|----------------|-----------|-----------|
| Amstutz | Armbruster | Austria | Blessing |
| Brady | Carey | Carnes | Coughlin |
| Dann | DiDonato | Fedor | Fingerhut |
| Randy Gardner | Robert Gardner | Goodman | Hagan |
| Harris | Herington | Hottinger | Jacobson |
| Jordan | Mallory | Miller | Mumper |
| Nein | Prentiss | Roberts | Schuler |
| Schuring | Spada | Stivers | Wachtmann |
| | | | White-33. |

So the bill passed.

The question being, "Shall the title be agreed to?"

Senator Nein moved to amend the title as follows:

Add the names : "Prentiss, Stivers."

The motion was agreed to and the title so amended.

INTRODUCTION AND FIRST CONSIDERATION OF BILLS

The following bill was introduced and considered the first time:

S. B. No. 102-Senators Wachtmann, Jacobson.

To amend sections 119.12, 3733.02, 3781.06, and 4743.05 and to enact sections 4781.01, 4781.02, 4781.03, 4781.04, 4781.05, 4781.06, 4781.07, 4781.08, 4781.09, 4781.10, 4781.11, 4781.12, 4781.13, and 4781.14 of the Revised Code to establish the Ohio Manufactured Homes Commission to regulate the installation of manufactured housing in Ohio.

OFFERING OF RESOLUTIONS

Pursuant to Senate Rule No. 54, the following resolutions were offered:

S. R. No. 434 - Senator Fedor.

Honoring Luther and Lula Harris on their Golden Wedding Anniversary.

S. R. No. 435 - Senator Fedor.

Honoring Russell and Mary Scott on their Golden Wedding Anniversary.

S. R. No. 436 - Senator Fedor.

Honoring John and Elizabeth Soldner on their Golden Wedding Anniversary.

S. R. No. 437 - Senator Mumper.

Honoring Bill and Martha Crabtree on their Golden Wedding Anniversary.

S. R. No. 438 - Senator Mumper.

Honoring Robert and Delores Basinger on their Golden Wedding Anniversary.

S. R. No. 439 - Senator Mumper.

Honoring Clayton and Eloise Zent on their Golden Wedding Anniversary.

S. R. No. 440 - Senator Mumper.

Honoring Alfred and Martha Cox on their Golden Wedding Anniversary.

S. R. No. 441 - Senator Roberts.

Honoring Ray and Gladys Wertz on their Golden Wedding Anniversary.

S. R. No. 442 - Senator Robert Gardner.

Honoring Clair and Jean Coley on their Golden Wedding Anniversary.

S. R. No. 443 - Senator Robert Gardner.

Honoring Robert and Geraldine Yarshen on their Golden Wedding Anniversary.

S. R. No. 444 - Senator Robert Gardner.

Honoring George and Lillian Plavcan on their Golden Wedding Anniversary.

S. R. No. 445 - Senator Robert Gardner.

Honoring Will and Dorothy Hathaway on their Sixtieth Wedding Anniversary.

S. R. No. 446 - Senator Fedor.

Honoring Lynn and Libera Ireland on their Golden Wedding Anniversary.

S. R. No. 447 - Senator Fedor.

Honoring Litton and Lula Parker on their Golden Wedding Anniversary.

S. R. No. 448 - Senator Mumper.

Honoring Noble and Martha Cupps on their Golden Wedding Anniversary.

S. R. No. 449 - Senator Mumper.

Honoring Harrison and Betty Tevis on their Golden Wedding Anniversary.

S. R. No. 450 - Senator Mumper.

Honoring Lawrence and Catherine Inskeep on their Sixtieth Wedding Anniversary.

S. R. No. 451 - Senator Mumper.

Honoring Leo and Janice Jamison on their Golden Wedding Anniversary.

The question being, "Shall the resolutions listed under the President ' s prerogative be adopted?"

So the resolutions were adopted.

COMMUNICATIONS FROM THE GOVERNOR

The President handed down the following messages from the Governor which were read by the Clerk:

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Suzanne Pollock, Republican, from Jerusalem, Monroe County, Ohio, as a Member of the Belmont Technical College Board of Trustees for a new term beginning June 13, 2003 and ending at the close of business May 13, 2006.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 13th Day of June in the year of our Lord, two thousand and three.

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Lyn Bliss, Republican, from Greenville, Darke County, Ohio, as a Member of the Edison State Community College Board of Trustees for a term beginning June 13, 2003 and ending at the close of business January 18, 2009, replacing Kay Seiler, whose term expired.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 13th Day of June in the year of our Lord, two thousand and three.

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Victor V. Viglucci, Democrat, from Ravenna, Portage County, Ohio, as a Member of the Ohio Organized Crime Investigations Commission for a term beginning June 13, 2003 and ending at the close of business September 3, 2003, replacing Robert Horowitz, who resigned.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 13th Day of June in the year of our Lord, two thousand and three.

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Elaine Collins, Republican, from Manchester, Adams County, Ohio, as a Member of the Southern Ohio Agricultural and Community Development Foundation for a new term beginning June 4, 2003 and ending at the close of business March 3, 2008.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 13th Day of June in the year of our Lord, two thousand and three.

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Ronald J. Rudd, Republican, from Moscow, Clermont County, Ohio, as a Member of the Southern Ohio Agricultural and Community Development Foundation for a new term beginning June 4, 2003 and ending at the close of business June 3, 2008.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 13th Day of June in the year of our Lord, two thousand and three.

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Douglas W. Lynn, Republican, from Wilmington, Clinton County, Ohio, as a Member of the Southern State Community College Board of Trustees for a term beginning June 13, 2003 and ending at the close of business June 5, 2006, replacing John M. Schlichter, who resigned.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 13th Day of June in the year of our Lord, two thousand and three.

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Patrick S. Mullin, Republican, from Cleveland, Cuyahoga County, Ohio, as a Member of the Kent State University Board of Trustees for a term beginning June 13, 2003 and ending at the close of business May 16, 2012, replacing Vincent A. Chiarucci, whose term expired.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 13th Day of June in the year of our Lord, two thousand and three.

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, George Jenkins, Democrat, from Dublin, Delaware County, Ohio, as a Member of the Kent State University Board of Trustees for a term beginning June 13, 2003 and ending at the close of business May 16, 2006, replacing Vincent D. Pettinelli, who resigned.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 13th Day of June in the year of our Lord, two thousand and three.

Bob Taft,
Governor.

STATE OF OHIO
EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
COLUMBUS

I, Bob Taft, Governor of the State of Ohio, do hereby appoint, Jennifer Nobles, Independent, from Elyria, Lorain County, Ohio, as a Student Member of the Kent State University Board of Trustees for a term beginning June 13, 2003 and ending at the close of business May 16, 2005, replacing Lori Long, whose term expired.

IN WITNESS WHEREOF, I have here unto subscribed my name and caused the great seal of the State of Ohio to be affixed, at Columbus, this 13th Day of June in the year of our Lord, two thousand and three.

Bob Taft,
Governor.

Said appointments were referred to the Committee on Rules.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the Senate amendments to:

Sub. H. B. No. 50 - Representative Hughes - et al.

Sub. H. B. No. 97 - Representative Willamowski - et al.

Attest:

Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has refused to concur in the Senate amendments to:

Sub. H. B. No. 12 - Representative Aslanides - et al.

Attest:

Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has agreed to the report of the Committee of Conference on matters of difference between the two houses on:

Am. Sub. H. B. No. 95 - Representative Calvert, et al.

Attest:

Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bill:

Am. Sub. H. B. No. 95 - Representative Calvert - et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the Speaker of the House of Representatives has signed the following bill:

Am. Sub. S. B. No. 51 - Senator Blessing. Representative Schneider, et al.

Attest:

Laura P. Clemens,
Clerk.

The President signed said bill.

On motion of Senator Randy Gardner, the Senate recessed until 3:30 p.m.

The Senate met pursuant to recess.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Sub. S. B. No. 11 - Senators Goodman, Blessing, Hottinger, Harris, Jacobson, Randy Gardner, Coughlin, Carey, Prentiss, Spada, Herington, Schuring, Stivers, Dann, Brady, Carnes, Miller, Nein, Roberts, Schuler, Austria. Representatives Allen, Barrett, Beatty, Boccieri, Brinkman, Brown, Carano, Cates, Chandler, Carmichael, Cirelli, Daniels, DeBose, DePiero, Domenick, Driehaus, C. Evans, D. Evans, Faber, Flowers, Gibbs, Hagan, Grendell, Hoops, Jolivette, Kearns, Jerse, Mason, McGregor, Miller, Niehaus, Oelslager, Olman, Otterman, T. Patton, Price, Raussen, Schlichter, Schmidt, Schneider, Setzer, G. Smith, D. Stewart, J. Stewart, Sykes, Walcher, White, Woodard, Yates.

To amend sections 109.573, 2953.21, and 2953.23 and to enact sections 2953.71 to 2953.83 of the Revised Code to establish a mechanism and procedures for the DNA testing of certain inmates serving a prison term for a felony or under a sentence of death.

Attest:

Laura P. Clemens,
Clerk.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has concurred in the passage of the following bill:

Am. Sub. S. B. No. 37 - Senator Blessing. Representatives Kilbane, Latta, Carano, McGregor, Cates, S. Patton, T. Patton, J. Stewart.

To amend sections 165.09, 902.11, 2915.01, 4505.06, 4981.20, 5721.31, 5739.01, 5739.02, 5739.03, 5739.11, and 5741.02 of the Revised Code to clarify who pays the sales or use tax on packaging material used in highway transportation for hire, to clarify when the transfer of motion picture films is a sale, and to clarify who is to receive notice of delinquent property tax certificates.

As a substitute bill with the following additional amendments, in which the concurrence of the Senate is requested:

In lines 9 and 2430, after "4981.20," insert "5721.31,"

Between lines 903 and 904, insert:

"Sec. 5721.31. (A) After receipt of a duplicate of the delinquent land list compiled under section 5721.011 of the Revised Code, or a delinquent land list compiled previously under that section, for a county having a population of at least two hundred thousand according to the most recent federal decennial census, the county treasurer may select from the list parcels of delinquent land the lien against which the county treasurer may attempt to transfer by the sale of tax certificates under sections 5721.30 to 5721.41 of the Revised Code. The county treasurer may select only those eligible parcels for which taxes, assessments, penalties, interest, and charges have not yet been paid or for which a valid delinquent tax contract under section 323.31 of the Revised Code is not in force. Each certificate shall contain the same information as is required to be contained in the delinquent land list. The county treasurer shall compile a separate list, the

list of parcels selected for tax certificate sales, including the same information as is required to be included in the delinquent land list.

Upon compiling the list of parcels selected for tax certificate sales, the county treasurer may conduct a title search for any parcel on the list.

(B)(1) When tax certificates are to be sold under section 5721.32 of the Revised Code with respect to parcels, the county treasurer shall send written notice by certified or registered mail to either the owner of record or all interested parties discoverable through a title search, or both, of each parcel on the list. A notice to an owner shall be sent to the owner's last known tax mailing address. The notice shall inform the owner or interested parties that a tax certificate will be offered for sale on the parcel, and that the owner or interested parties may incur additional expenses as a result of the sale.

(2) When tax certificates are to be sold under section 5721.33 of the Revised Code with respect to parcels, the county treasurer, at least sixty days prior to the date of sale of such tax certificates, shall send written notice of the sale by certified or registered mail, or both, to the last known tax-mailing address of the record owner of the property or parcel ~~and~~ or to all parties with an interest in the property that has been recorded in the property records of the county pursuant to section 317.08 of the Revised Code, ~~the~~ or to such owner and all such parties. The notice shall state that a tax certificate will be offered for sale on the parcel, and that the owner or interested parties may incur additional expenses as a result of the sale.

(C) The county treasurer shall advertise the sale of tax certificates under section 5721.32 of the Revised Code in a newspaper of general circulation in the county, once a week for two consecutive weeks. The advertisement shall include the date, the time, and the place of the public auction, descriptions of the parcels, and the names of the owners of record of the parcels.

(D) After the county treasurer has compiled the list of parcels selected for tax certificate sales but before a tax certificate respecting a parcel is sold, if the owner of record of the parcel pays to the county treasurer in cash the full amount of delinquent taxes, assessments, penalties, interest, and charges then due and payable or enters into a valid delinquent tax contract under section 323.31 of the Revised Code to pay that amount, the owner of record of the parcel also shall pay a fee in an amount prescribed by the treasurer to cover the administrative costs of the treasurer under this section respecting the parcel and credited to the tax certificate administration fund.

(E) A tax certificate administration fund shall be created in the county treasury of each county selling tax certificates under sections 5721.30 to 5721.41 of the Revised Code. The fund shall be administered by the county treasurer, and used solely for the purposes of sections 5721.30 to 5721.41 of the Revised Code. Any fee received by the treasurer under sections 5721.30 to 5721.41 of the Revised Code shall be credited to the fund, except the bidder registration fee under division (B) of section 5721.32 of the Revised Code and the county prosecuting attorney's fee under division (B)(3) of section 5721.37 of the Revised

Code.

(F) The county treasurers of more than one county may jointly conduct a regional sale of tax certificates under section 5721.32 of the Revised Code. A regional sale shall be held at a single location in one county, where the tax certificates from each of the participating counties shall be offered for sale at public auction. Before the regional sale, each county treasurer shall advertise the sale for the parcels in the treasurer's county as required by division (C) of this section. At the regional sale, tax certificates shall be sold on parcels from one county at a time, with all of the certificates for one county offered for sale before any certificates for the next county are offered for sale.

(G) The tax commissioner shall prescribe the form of the tax certificate under this section, and county treasurers shall use the form prescribed by the commissioner."

In line 2 of the title, after "4981.20," insert "5721.31,"

In line 5 of the title, delete "and" and insert a comma

In line 7 of the title, after "sale" insert ", and to clarify who is to receive notice of delinquent property tax certificates"

Attest:

Laura P. Clemens,
Clerk.

Said amendments were laid over under the rule.

Message from the House of Representatives

Mr. President:

I am directed to inform you that the House of Representatives has passed the following bill in which the concurrence of the Senate is requested:

Am. Sub. H. B. No. 1 - Representatives T. Patton, Collier, C. Evans, Aslanides, Brown, Chandler, Distel, Gibbs, Gilb, Hagan, Harwood, Price, Schaffer, Schlichter, Skindell, J. Stewart, Strahorn, Sykes, Taylor, Walcher, Wolpert, Barrett, Book, Calvert, Carano, Cates, DeBose, DeWine, Domenick, Flowers, Hartnett, Hughes, Jolivette, Key, Mason, Miller, Niehaus, Oelslager, Olman, Otterman, S. Patton, Reidelbach, Schmidt, Seaver, Seitz, Setzer, G. Smith, S. Smith, D. Stewart, Trakas, White, Widener, Woodard, Yates, Martin.

To amend sections 122.15, 122.151, 122.152, 122.154, 122.171, 166.01, 166.02, 166.08, 166.11, 166.13, 166.14, 166.16, 5733.98, and 5747.98 and to enact sections 166.17 to 166.21, 184.04, 5733.352, and 5747.331 of the Revised Code and to amend Sections 41 and 41.15 of Am. Sub. H.B. 94 of the 124th General Assembly, as subsequently amended, to increase the dollar

amount that may be invested in technology and revise the eligibility requirements for, and increase the maximum amount of, technology investment tax credits that may be issued; to create the Ohio Research Commercialization Grant Program; to increase the maximum amount of obligations that may be issued to fund economic development programs; to move the Innovation Ohio Loan Fund into the State Treasury; to create the Research and Development Loan Fund, and authorize the Director to make loans from that Fund and issue obligations for research and development projects; to grant tax credits for qualified research and development loan payments; to extend the maximum term of, and to change the job retention requirements for, the job retention tax credit; to grant a tax credit to corporations operating call centers to offset future changes in the corporation franchise tax law; and to make an appropriation.

Attest:

Laura P. Clemens,
Clerk.

Said bill was considered the first time.

On the motion of Senator Amstutz the Senate adjourned until Wednesday, June 25, 2003 at 1:30 p.m.

Attest:

MATTHEW T. SCHULER,
Clerk.